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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/744,360	01/22/2001	Robert Bruce Darling	UOFW116278	5147	
75	09/04/2003				
Christensen O'Connor Johnson Kindness 1420 Fifth Avenue Suite 2800			EXAMINER		
			SCHLAK, DANIEL K		
Seattle, WA 98	8101-2347		ART UNIT	PAPER NUMBER	
			3653	3653	
			DATE MAILED: 09/04/2003	DATE MAILED: 09/04/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

4) Claim(s) 59-88 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 59-88 are subject to restriction and/or election requirement.	•	Application No.	Applicant(s)				
Daniel K Schlak Daniel K Schlak S633		09/744,360	DARLING ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence addrass — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eatherisors of them pays be available under the provision of 37 CPR 1.73(sq). In no event, however, may a nepty be timely filled Eatherisors of them pays to explain which the product of the provision of the provision of the product of t	Office Action Summary	Examiner	Art Unit				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions for memy be available under the provisions of 37 CFR 1.75(b), in no event, however, may a reply be timely filed Extensions for many be available under the provisions of 37 CFR 1.75(b), in no event, however, may a reply be timely filed If the period for reply specified above is less than thirty (30) days, a reply whin the statutory maintrum of brinky (30) days, and we less files (50) MONTHS from the mainting date of this communication. Fallure to reply which he set or extended period for reply will, by statuto, cause the application to become AdMICONEC (38 U.S. £, 135). Responsive to communication(s) filed on 24 June 2003. 2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 59-88 ls/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are rejected. 7) Claim(s) is/are rejected to. 8) Claim(s) 59-88 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is/are: a) approved by in the proposed drawing correction filed on is/are: a) approved by in the proposed drawing correction filed on is a approved by		ears on the cover sheet with the c	orrespondence address				
THE MALING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provision of 3° CFR 1.35(e). In no event, however, may a reply be timely filed after 30 (c) MONTHS from her maining date of this communication. I allow the provision of the provision of the provision of 3° CFR 1.35(e). In no event, however, may a reply be timely filed after 30 (c) MONTHS from her maining date of this communication. I allow to reply subton he are allowed to the mainten and tablety prioried way put and wile goak (c) (6) MONTHS from the maining date of this communication. I allow to reply within he set of extended prioried for reply will, by statute, cause the application to become ARANDONED (50 U.S. C. § 133). Any reply received by the Office are than three mornian after the maining date of this communication, even if timely filed, may reduce any surred placent term eligibilities for the 10° communication and the provision of this communication. I have been been supplication in the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 59-89 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) Claim(s) 59-89 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) cocepted or b) objected to by the Examiner. 11) The proposed drawing correction filed on is/are: a) application from the foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 12) The eath or declaration is objected to by the Examiner. 11/1 provisional provisional application from the international Bureau (FCT Rule 17.2(a)). *See the attached detailed Off	• •	ALC OFT TO EVOIDE A MONTH!	C) FDOM				
1)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). 	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
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Art Unit: 3653

DETAILED ACTION

Election/Restrictions

This application contains claims directed to more than one species of the generic

invention. These species are deemed to lack unity of invention because they are not so

linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species I, drawn to a linear cup array.

Species II, drawn to a two dimensional cup array.

Applicant is required, in reply to this action, to elect a single species to which the

claims shall be restricted if no generic claim is finally held to be allowable. The reply

must also identify the claims readable on the elected species, including any claims

subsequently added. An argument that a claim is allowable or that all claims are

generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration

of claims to additional species which are written in dependent form or otherwise include

all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the

elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following

manner:

Species I: Claim 84.

Species II: Claims 76 and 85.

The following claim(s) are generic: 59-75, 77-83, and 86-88.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The species' distinct features are variations of one another and cannot be usable together. Only in the event that Applicant states that one species is not patentable over another would the species lose the separateness they gain by being inherently mutually exclusive. Either they are obvious alternatives of each other, or they are patentably distinct from each other.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel K Schlak whose telephone number is 703-305-0885. The examiner can normally be reached on Mon-Thurs.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306 - 4173. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308 - 1113.

dks

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600